IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 19173 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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VAGHELA MULRAJSINH CHANDRASINH & 7 - Petitioner(s)
Versus
DIRECTOR & 3 - Respondent(s)

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Appearance :

MR VC VAGHELA for Petitioner(s) : 1 - 8.
MR.SATYAM CHHAYA, ASST GOVERNMENT PLEADER for Respondent(s) : 1,
RULE SERVED BY DS for Respondent(s) : 1,
DS AFF.NOT FILED (R) for Respondent(s) : 2,
MR VIPUL S MODI for Respondent(s) : 3 - 4.

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CORAM : HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

Date : 06/09/2007

ORAL JUDGMENT

The petitioners, the elected councilors of Thara

Municipal Borough are before this Court praying that,

> "8(A) Your Lordships be pleased to issue writ of mandamus or any other writ, order or direction, directing the respondent no.2-Collector to immediately initiate inquiry against the Thara Municipal Borough and make appropriate report to the respondent no.1."

By order dated 02.08.2007, Collector, respondent no.2 was directed to reply to the applications made by the petitioners, details of which are set out in the order itself and to place the Action Taken Report on record of this case. It was also directed that in the event the Collector is not able to carry out the aforesaid direction, he shall remain personally present before this Court on 21.08.2007. On that date the learned Assistant Government Pleader sought 10 days time which was granted.

2. Today, learned Assistant Government Pleader, Mr.Satyam Chhaya places on record a copy of letter dated 05.09.2007 addressed by the Collector, Banaskantha to the Director of Municipalities along with which the report of the inquiry held by the

Deputy Collector, Deesa is sent. In the letter it is stated that prima facie, irregularities are committed by Thara Nagarpalika and for that the President and the Chief Officer of Thara Nagarpalika are prima facie responsible. It is recommended by the said letter that an action under sec.37 of the Gujarat Municipalities Act be taken.

3. In view of the aforesaid development, the grievance of the petitioner does not survive.

4. The petition is disposed of. Rule is made absolute with no order as to cost.

(RAVI R. TRIPATHI, J.)

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